

MR1035-1367
Serial Number: 10/760,419
Response to Office Action Dated 10 August 2004

REMARKS

This case has been carefully reviewed and analyzed in view of the Office Action dated 10 August 2004. Responsive to the Office Action, Claims 1, 5, 10, 16, and 20 are now amended for further prosecution with the other pending claims. It is believed that with such amendment of claims, there is a further clarification of their recitations.

In the Office Action, the Examiner rejected Claims 1 – 3, 10 – 12, and 20 – 22 under 35 U.S.C. § 102(b) as being anticipated by the Whiting reference. The Examiner also rejected Claims 7, 16, and 23 under 35 U.S.C. § 103(a) as being unpatentable over the same Whiting reference. As for Claims 4 – 6, 8 – 9, 13 – 15, 17 – 19, and 24 – 28, the Examiner merely objected to such claims for being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form to include all of the limitations of the base and any intervening claims.

As each of the newly-amended independent Claims 1, 10, and 20 now more clearly recites, Applicant's soft pad structure of glasses includes among its combination of features an eyeglass device to which at least one soft pad and at least one fixing frame are coupled. The soft pad includes "a fixing member" that "wrap[s] the edge of an upper portion of the eyeglass," and extends downward along at least one of an "inner side" or "outer side" surface of that eyeglass.

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Assembly to the eyeglass device occurs with the "fixing frame detachably capturing said soft pad against said eyeglass," as newly-amended independent Claims 1, 10, and 20 each also now more clearly recite.

The full combination of these and other features now more clearly recited by these newly-amended independent Claims 1, 10, and 20 is nowhere disclosed by the cited Whiting reference. Perhaps most notable in this regard may be Whiting's disclosure of a unitary eyeglass frame structure which precludes any detachable fixing frame member, much less any "fixing frame detachably capturing said soft pad against said eyeglass," as each of the newly-amended independent Claims 1, 10, and 20 recites. While Whiting does disclose an elastomeric seal-type liner between the peripheral edges of the lenses and the frame grooves which receive them, Whiting nowhere discloses any "fixing frame detachably capturing" that elastomeric liner against an eyeglass apparatus. Nor does Whiting anywhere disclose the elastomeric mounting layer to actually "extend[] down" either an "inner side" or "outer side" surface of the eyeglass device, as the Claims 1, 10, and 20 variously provide.

Indeed, Whiting's elastomeric mounting layer is meant to be "compress[ed] ... into the position shown ... in Fig. 3," to serve as an edge "liner," (Column 2, lines 18-20). This seal-like peripheral edge liner is intended to remain in this position safely compressed and retained, out of the lens' field of view. The Y-shaped receiving groove structure formed into the frame edge for receiving the

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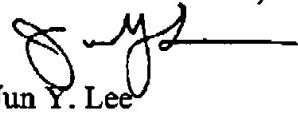
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elastomeric liner in cradled manner ensures as much. The liner is thus precluded from actually extending along either an inner or outer side surface of the lenses 12, lest they encroach upon the field of view defined within the frame's openings.

It is respectfully submitted, therefore, that Whiting fails to disclose or even suggest the unique combination of elements now more clearly recited by Applicant's pending claims for the purposes and objectives disclosed by the subject Patent Application.

It is now believed that the subject Patent Application has been placed fully in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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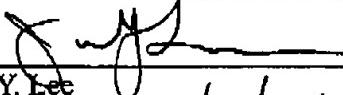
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For: ROSENBERG, KLEIN & LEE



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